

Remarks/Arguments:

Applicant respectfully requests reconsideration of the present application in view of the above amendments and following remarks. The specification and claims 1, 7, and 12 have been amended, claims 10 and 13-18 have been canceled, and claims 19-28 have been added. Claims 1-9, 12, and 19-28 are pending in the present application.

The drawings stand objected to as failing to comply with 37 CFR 1.84(p)(4). Claims 1-15 stand rejected under 35 U.S.C. 112, second paragraph, as being indefinite. Claims 1-10 and 13 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Applicant's Admitted Prior Art in view of visTRAC system by Fanuc Robotics. Claims 11, 12, 14, and 15 stand objected to as being dependent upon a rejected base claim.

The objection to the drawings arises because the reference character "45" has been used to designate both the lower surface and the vertical coupler turret. The use of the reference character "45" on page 10, line 16 of the application is a typographical error. The reference character "45" in that line should have been "55," and the specification has been amended to correct the error. The reference character "45" only appears once in the drawings.

Claim 1 stands rejected under 35 U.S.C. 112, second paragraph, as being indefinite for the following reasons set forth on page 3 of the above-identified Office Action:

In claim 1: the language as claimed is confusing since there is a mixture of apparatus and method limitations within the claim and it is not understood what is being claimed (i.e., the structure limitations of the apparatus or the method steps of the apparatus) (it is noted that for the purpose of this Office Action, the Examiner is interpreting claim 1 as an apparatus claim and not a method claim); furthermore, it is noted that the recitations such as "for removing soiled bedding", "for detecting said at least one of said cage components", and "for removing said at least one of said cage components" do not further limit to any patentable sense since the recitations are not positive limitations but only require the ability to so perform, it is suggested that the claim be amended to positively claimed the limitation.

Such functional claim language is believed to be permissible in an apparatus claim. Section 2173.05(g) of the MPEP, the last paragraph, states:

In a claim that was directed to a kit of component parts capable of being assembled, the Court held that limitations such as "members adapted to be positioned" and "portions . . . being resiliently dilatable whereby said housing may be slidably positioned" serve to precisely define present structural attributes of interrelated component parts of the claimed assembly. In re Venezia, 530 F.2d 956, 189 USPQ 149 (CCPA 1976).

Claim 7 has been amended to, it is believed, obviate the rejection under 35 U.S.C. 112, second paragraph. The phrase "such that at least one of said cage components progressing from said tunnel conveyer to said inline bedding conveyer will become inverted" is believed to be a permissible limitation. The next-to-last paragraph of section 2173.05(g) states:

It was held that the limitation used to define a radical on a chemical compound as "incapable of forming a dye with said oxidizing developing agent" although functional, was perfectly acceptable because it set definite boundaries on the patent protection sought. In re Barr, 444 F.2d 588, 170 USPQ 33 (CCPA 1971).

Claim 1 has been amended to include the limitations of original claims 10 and 11, and claims 1-9 and 12 are believed to be patentable. Claim 19 has been added which includes the limitations of original claims 13 and 14, and claims 19-28 are believed to be patentable.

FIG. 1 has been amended to correct the label in box 12. The application, on page 6, lines 6 and 7, refers to box 12 as representing the clean side robot.

Conclusion

In light of the foregoing, Applicants submit that claims 1-9, 12, and 19-28 are in condition for allowance and such allowance is respectfully requested. Should the Examiner feel that any unresolved issues remain in this case, the undersigned may be contacted at the telephone number listed below to arrange for an issue resolving conference.

Respectfully submitted,

Dated: 8/1/05

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Attachments

Amendments to the Drawings:

The attached drawing sheet includes a change to FIG. 1. This sheet replaces original drawing sheet of FIG. 1. In FIG. 1 label in box 12 has been changed from "SOIL SIDE ROBOT" to "CLEAN SIDE ROBOT."

Attachment: Replacement Sheet
 Annotated Sheet Showing Changes

Annotated Sheet Showing Changes

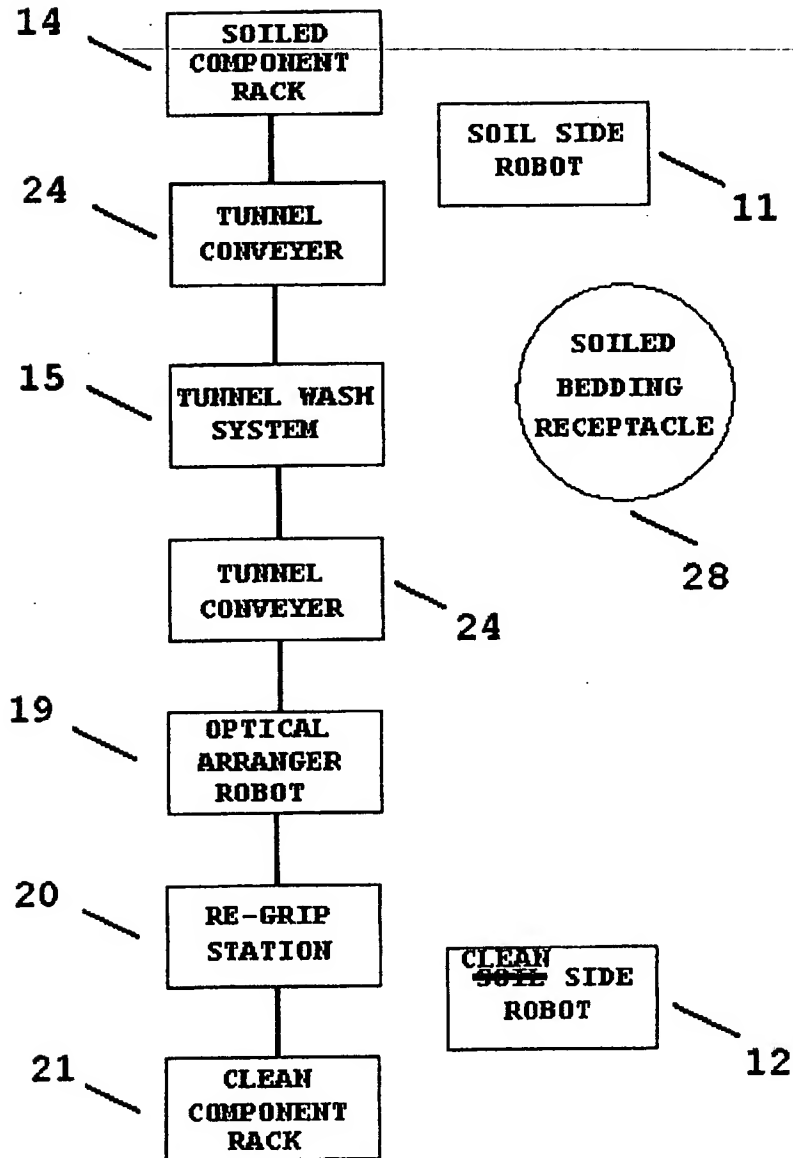


Fig. 1